

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO.:2:08cr49 MEF
)	
RICHARD JAMES MARSHALL)	

AMENDED UNOPPOSED MOTION TO CONTINUE TRIAL

COMES NOW the Defendant, Richard James Marshall, by and through undersigned counsel, Aylia McKee, and pursuant to 18 U.S.C. §§ 3161(h)(1)(F), (h)(8)(B)(i) and (h)(8)(B)(iv) respectfully moves this Court to continue the trial of this matter past the currently scheduled July 28, 2008, trial term. Undersigned counsel is filing this amended motion to correct the date in the previously filed “Motion to Continue Trial (unopposed).” (Doc. # 13) In support of this Motion, Defendant would show the following:

1. Mr. Marshall filed a motion to suppress evidence in this case on May 30, 2008.
2. The request for a continuance is sought to allow careful consideration and resolution of Defendant’s pending motion to suppress prior to a trial of this matter.
3. Furthermore, defense counsel needs additional time to complete our investigation and locate all witnesses relevant to this case in order to effectively advise Mr. Marshall on a possible resolution of this case.
4. The United States, through Assistant United States Attorney, Jerusha Adams, does not oppose this requested continuance.
5. Requests for a continuance are addressed to the sound discretion of the trial court, *United States v. Darby*, 744 F.2d 1508, 1521 (11th Cir. 1984), *reh’g denied* 749 F.2d 733, cert.

denied, 471 U.S. 1100 (1985). Additionally, pursuant to 18 U.S.C. §§ 3161(h)(1)(F), (h)(8)(B)(i) and (h)(8)(B)(iv), if it is in the interest of justice to allow sufficient time to consider the pretrial motion, this court has authority to continue trial.

WHEREFORE, Mr. Marshall respectfully requests that this Motion be granted and the trial in this matter be continued from the July 28, 2008, trial term.

Dated this 5th day of June, 2008.

Respectfully submitted,

s/Aylia McKee

AL Bar No. 6178

Attorney for Mr. Taylor

Federal Defenders

Middle District of Alabama

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Montgomery, AL 36104

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RICHARD JAMES MARSHALL)

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Jerusha Adams, Esquire

Assistant United States Attorney

One Court Square, Suite 201

Montgomery, Alabama 36104

Respectfully submitted,

s/Aylia McKee

AL Bar No. 6178

Attorney for Mr. Taylor

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